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DEFENCE ATTACHE
No. 1 1985

Korean Airlines

In proceedings taken on behalf of Korean Airlines against the publishers and editor of Defence Attaché, the following statement was read in court on November 19 1984 by Counsel for the Plaintiffs:

My Lord, I appear for the Plaintiffs Korean Airlines Company Limited. My learned friend Mr. James Price appears for the First and Second Defendants. The Plaintiffs are a well known international civil airline and the flag-carrier of South Korea. Their business is to carry civilian passengers on scheduled routes in safety world-wide. The First Defendants are the publishers and the Second Defendant is the editor of a bi-monthly magazine published in this country called Defence Attaché, which is sub-titled "The International Review of Defence", and is a technical journal concerned with international defence and security, circulating throughout the world.

As is well known, one of Korean Airlines' passenger planes, a Standard Boeing 747, was shot down by Russian military aircraft on 31st August, 1983, near Sakhalin Island off the Soviet Pacific coast. The aircraft was on a scheduled flight from Anchorage in Alaska to Seoul in Southern Korea. Tragically, 269 lives were lost. Despite massive search operations the flight recorder carried by the aircraft, which might have revealed conclusive evidence as to what went wrong, has never been recovered.

This dreadful tragedy led to much political controversy and accusation and counter-accusation at the highest level. Not surprisingly, the Soviet authorities sought to make excuses for what in the West was regarded as a callous and ruthless disregard for the lives of the civilians. The complete story will alas never be known since the crew all lost their lives and since nothing which would help investigation has ever been recovered. What is equally clear is that no civilian pilot, no civilian navigator and no Western civilian airline would deliberately seek to penetrate Soviet air-space. The first and foremost consideration in the minds of any flight personnel and any airline, my clients included, is and must always be the safe accomplishment of the flight upon which they and their passengers have set out. My clients rightly pride themselves on their reputation for

the care of their passengers. This is their goodwill. Neither they nor their crews would ever do anything calculated to put their passengers at risk. They certainly did no such thing on this occasion. The loss of this aircraft was to them a totally unwanted and unlooked-for disaster.

In this issue No.3 of 1984 of Defence Attaché the Defendants published an article written under the cloak of a pseudonym entitled "Reassessing the Sakhalin incident". On the front cover of the magazine this article was publicized by the grossly tendentious description "Korean 'Spv' Plane: The new Evidence". The article itself was described in an editorial note as "a dispassionate analysis of the horrific incident" adducing "fresh material". The effect of the article was that my clients' aircraft was on a spv mission carefully and deliberately co-ordinated with United States Intelligence Authorities. It is hardly possible to imagine a more damaging libel upon any civil airline. The implication must necessarily be that my clients permitted the use of their aircraft for such a purpose and consciously and intentionally took part in an adventure likely to result in disaster and that they were willing to disregard the welfare and safety of their passengers and staff in the course of it. Nothing could be further from the truth. The matter was made worse because, as was clearly foreseeable, the contents of the article were widely quoted and reproduced the world over. Moreover, the Second Defendant subsequently sought to defend publication of the article in a letter written for publication and published in the Daily Telegraph on the ground that it contained "new and hitherto unpublished perspectives."

It is hardly necessary to state that there is not a word of truth in the suggestion that my clients' aircraft was on a spv or any other intelligence mission or that my clients in any way took part in any intelligence operation. There was an ordinary commercial flight. Whatever may have been the cause of the

unfortunate deviation by this aircraft from its intended route, there is no foundation whatsoever for the suggestions made in the offending article. The Defendants fully accept that there could be no question of my clients agreeing to take part in any intelligence operation, and that Korean Airlines would never allow the safety of their passengers or crew to be put at risk. They are here by their Counsel publicly to state their position, which is that: my clients' aircraft was not on a spv or other intelligence mission, and to make it publicly clear that they accept that my clients would never have agreed to such a mission. They have agreed not only to publish what is being said today but also to set the record straight and to apologize for any misunderstanding which their article may have given rise to and to pay substantial damages and my clients' costs.

In reply, Counsel for the defendants read the following:

My Lord, On behalf of the publishers and editor of Defence Attaché, I am instructed to state that there is no foundation for any suggestion that either Korean Airlines or any of its staff on the aircraft concerned took part in a spy mission or that the Plaintiffs thus chose to put at risk the safety of their passengers and crew. My clients stated in an editorial introduction to the article that they did not necessarily agree with the author's views and that their editorial position was that they did not believe KAL 007 had a spy mission and they are happy to reiterate that. However, if the article has given rise to any misunderstandings, or in particular has been taken to suggest that Korean Airlines would consider putting at risk the safety of their passengers and crew, that is a matter sincerely regretted by my clients and one for which they are pleased to have this opportunity of expressing their apologies.